IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

N/S Kingston Road, 290 ft. E

of c/l Wardum Road 808 Kingston Road 9th Election District 4th Councilmanic District Mark W. Swisher, et ux

Datible ...

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-4-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Mark W. Swisher and Marie E. Swisher, his wife, for that property known as 808 Kingston Road in the Stoneleigh section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1802.3.C of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 7 ft., in lieu of the minimum required 10 ft., for an enclosed porch. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

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ONDER RECEIVED FOR FLINE Dose

By Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 31, 1996

Mr. and Mrs. Mark W. Swisher 808 Kingston Road Baltimore, Maryland 21212

RE: Petition for Administrative Variance

Case No. 97-4-A

Property: 808 Kingston Road

Dear Mr. and Mrs. Swisher:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

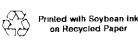
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

808 KINGSTON ROAD, 21212

97-4-A

which is presently zoned

DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1BO2.3.C

To allow a side yard setback of 7 feet for a proposed enclosed addition in lieu of the minimum required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To enclose an existing covered porch and add heat and electricity for a new family room is our goal. In so doing, we would like to widen the exising porch floor three (3) feet closer to the side property line on the west side of the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.		
Contract Purchaser/Lessee		Legal Owner(s)			
			MARK W. SWI	SHER	/
(Type or Print Name)		,	(Type or Print Name)	L.S.L	/
Signature			Signature	AT CHED	
Acidress			MARIE E. SV (Type or Print Name) Manu June	VISHER	
City Attorney for Petitioner	State	Zipcode	Signature	<i>V-</i> V	
			808 Kingsto	on Road	410.377.5544
(Type or Print Name)			Address		Phone No
			Baltimore	MD	21212
Signature			City Name, Address and phone number	State of representative to b	Zipcode e contacted
			Mark Swishe	er	
Address	Phone No		Name		
City	State	Zipcod e	808 Kingsto	on Rd.	377.5544 Phone No

Zoning Commissioner of Baltimore County



REVIEWED BY. DATE: 7-3-96
ESTIMATED POSTING DATE 7/14



Printed with Soybean Ink on Recycled Paper



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	808KINGSTON I	ROAD	
	Baltimore,	MD	21212
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address: (indicate hardship of		l/we base the reques	t for an Administrative
The porch floor is	solid concrete	and mason	ry and would_
require very costly	demolition and	d removal	to_enable_con-
tractor to install o	duct lines to	the west o	utside wall
under the two planne	casement win	ndows.	
We are requesting a	variance for	the Family	Room to be
3 feet wider for th	is practical a	nd aesthet	ic reason.
	ı		

That Affiant(s) acknowledge(s) that if a prote may be required to provide additional information of the control of the control of the control of the control of the county of the control of the county aforesaid, if the cou	TIMORE, to wit: Decreased by appeared wisher & M	(elgneryle) MARIE E. S (type or print name) 19 96, before me	WISHER , a Notary Public of the State Levisher
the Affiants(s) herein, personally known or sat that the matters and facts hereinabove set fort	isfactorily identified to me as s h are true and correct to the b	such Affiantt(s), and est of his/her/their ki	made oath in due form of law lowledge and belief.
AS WITNESS my hand and Notarial Seal.	AOTARY PUBL	aldene	Sursher
	My Commissio	n Expires: 2/6	199



97-4-A

ZONING DESCRIPTION
FOR
808 KINGSTON ROAD
Baltimore County 21212

808 Kingston Road

Baltimore, MD

21212

410.377.5544

Beginning at a point on the North side of Kingston Road which is 20 feet wide at the distance of 290 feet East of the centerline of the nearest improved street Wardman Road which is 20 feet wide. Being Lot# 64, Block#13 in the subdivision of Stoneleigh as recorded in Baltimore County Plat Book#7, Folio#87, containing 7,750 square feet. Also known as 808 Kingston Road and located in the 4th Election District, 9nth Councilmanic District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland 77 4 7

Posted by	Remarks:	Location of Signe.	Location of property.	Petitioner:	Posted for: Vaylanco	
Marky .		Location of Signe Lacing The duty on property boing Zone &	Location of property. TOX Kings ton Rd.	Petitioner: Marks & Maris E. Swisher	Varianco	
Data of return: 7/19/9		Cri property bound	Rd.	SWIShor	Date of P	
1/19/96		g Zono E			Date of Posting 7/19/94	

MICROFILMED

BALTIMORE JUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT MISCELLANEOUS CASH RECEIPT AMOUNT X 97 -4-A PROMITE 7-3-96 AMOUNT X 95 -6-6-50 FROM: FROM: FROM: FOR: JICHOF JUNE JOST 19 FOR: JICHOF JUNE JOST 19 VALIDATION OR SIGNATURE OF CASHIER WALIDATION OR SIGNATURE OF CASHIER	\
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Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 11, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re:

CASE NUMBER: 97-4-A (Item 6)

808 Kingston Road

N/S Kingston Road, 290' E of c/1 Wardum Road 9th Election District - 4th Councilmanic

Legal Owner(s): Mark W. Swisher and Marie E. Swisher

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 14, 1996. The closing date (July 29, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director

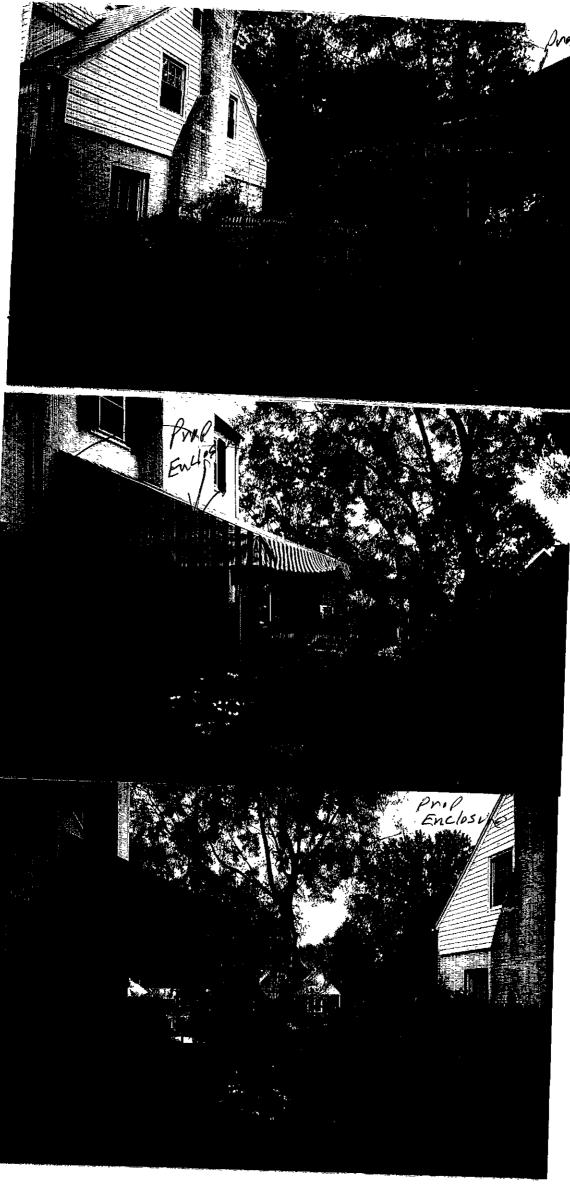
cc: Mark and Marie Swisher

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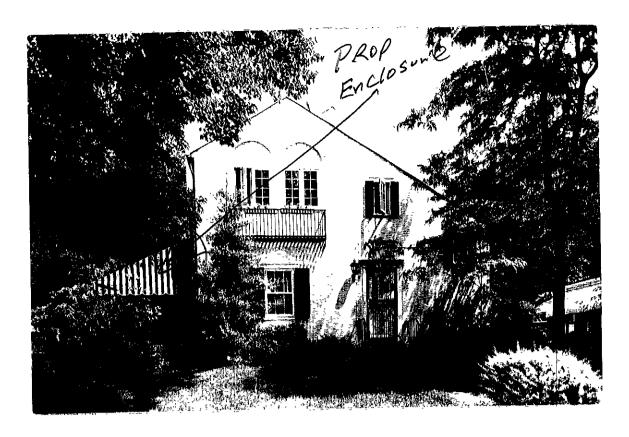
Special Hearing CHECKLIST for additional required information 田のはかけのう LOCATION INFORMATION ONLY! SEWER: XX
WATER: X KINGSTER square teet 1'=200' scale map#: $oldsymbol{
u} E oldsymbol{eta} A$ RecesteR AUR 7750 scale: 1'=1000' Vicinity Map Chesapeake Bay Critical Area: 9 1.1 Zoning: DR5.5 ITEM Prior Zoning Hearlngs: rone Councilmanic District: Office Q SCCTION# 81, Election District: WARINAM **(**) § Zoning Pertuckt XOKK Variance 401-464 809 WELLINGTON e---- GZ'G"-- TOHN+LINDAKONE FloodHozaid Zorcc FIRIN Fanciti Power Line --- 62' 7.40010 07.65 8 7.01 1 MIKE I MARY BAKTER Zoning ට ගැනෙන 20.4 Lots N= 63,62 à 810 KWGSran Lot Ma col Block M=13 Petition for Dropeses ke Meldol3 incl. Rolio 125 スカン Post of Block 14=20 806 KINGSTON LANCASTER+ FAYE 13.6 STONELEIGH ancheint 7/87 EFD's Plat to accompany Mac 30.4 SUPPINISION 275' towardman LE: ONE INCH Equals Kingetop Road BURVEY of: Hon Ro Plat altered for , MARYLAND. Vancance Patition The information on this plate two on improvements indicated hereous received within the outlines of the lot upon are exected and is not to be used to Punposes. Michael B. Dallas property lines or corner Registered Surveyor Sulte 30-826 210 W. Pennsylvania Avenue Towson, Maryland 21204 Registered Surveyor Phone: 410-938-785 MICHOFILMED

97-4-A.

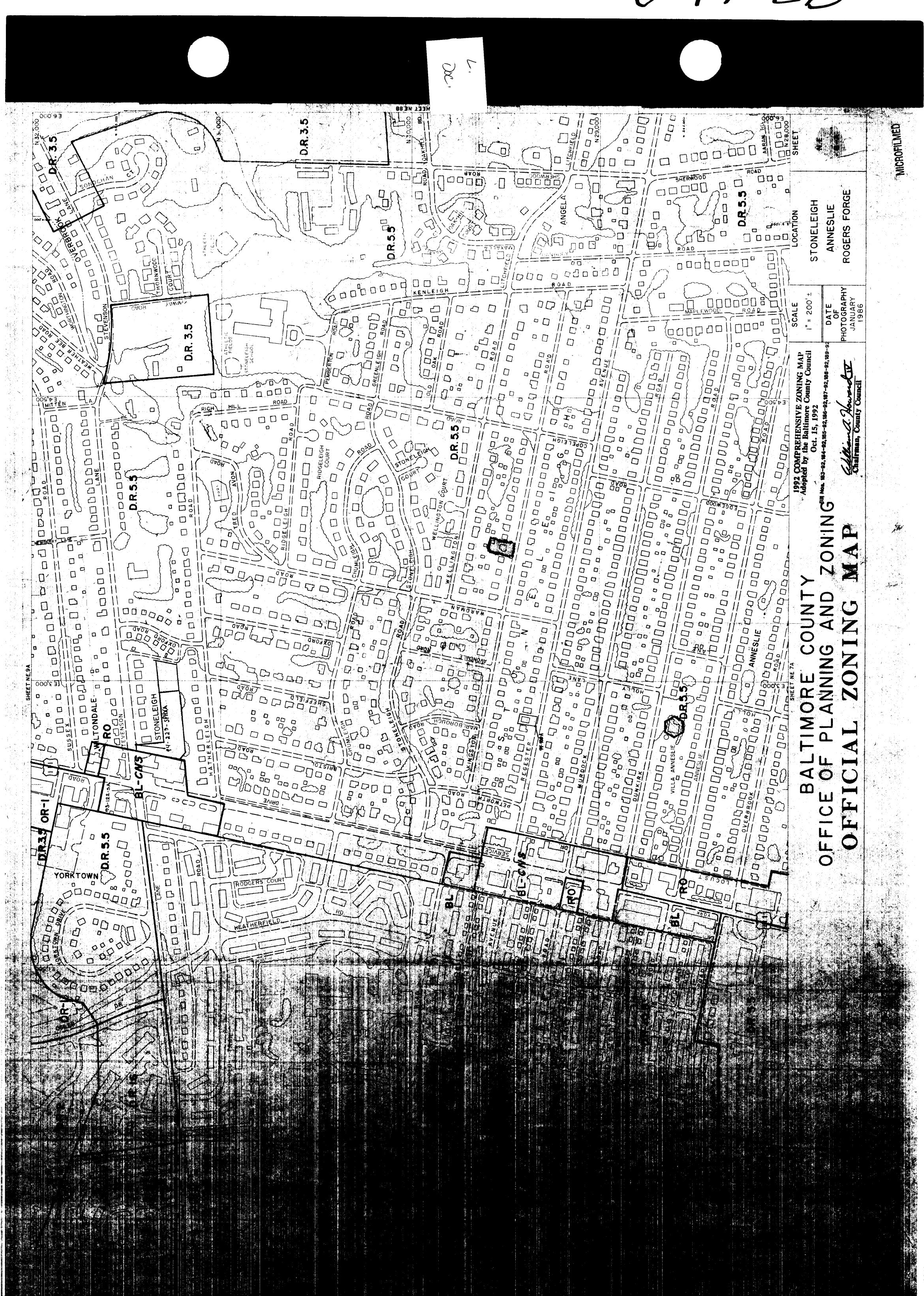


MICROFILMED,

97-4-A



4-4-6



ROGERS FORGE STONELEIGH

MICROFILMED.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Mark W. Swisher and Marie E. Swisher, his wife, for that property known as 808 Kingston Road in the Stoneleigh section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 7 ft., in lieu of the minimum required 10 ft., for an enclosed porch. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

IS ORDERED by the Zoning Commissioner for Baltimore day of August, 1996 that the Petition for a Zoning Variance from Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 7 ft., in lieu of the minimum required 10 ft., for an enclosed porch, be and is hereby GRANTED, subject, however, to the following restriction:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> > ZONING DESCRIPTION

FOR

808 KINGSTON ROAD

Baltimore County 21212

Beginning at a point on the North side

of Kingston Road which is 20 feet wide

at the distance of 290 feet East of the

Lot# 64, Block#13 in the subdivision of

Plat Book#7, Folio#87, containing 7,750

9nth Councilmanic District.

centerline of the nearest improved street

Stoneleigh as recorded in Baltimore County

and located in the 4th Election District,

square feet. Also known as 808 Kingston Road

Wardman Road which is 20 feet wide. Being

LES:mmn

Zoning Commissioner for Baltimore County **Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

July 31, 1996

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. and Mrs. Mark W. Swisher 808 Kingston Road Baltimore, Maryland 21212

> RE: Petition for Administrative Variance Case No. 97-4-A

> > Property: 808 Kingston Road

Dear Mr. and Mrs. Swisher:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Zoning Commissioner

LES:mmn

Petitloner: Marks & Maris E. Swisher

BALTIMORE DUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION

FROM: MR SWISHEL OWNER #010 - Residential (ADAM) Varionce tee-# 080 - Sign & Posting

circulation, throughout Baltimore County, and that the property be reposted

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

NOTICE OF CASE NUMBER ASSIGNMENT

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned \mathcal{DR} -5.5

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the

808 Kingston Road 410.377.5544

Name, Address and phone number of representative to be contacted

808 Kingston Rd. 377.5544

Coning Commissioner at Baltimore County

ITEM #:

MARK W. SWISHER

(Type or Print Name)

Baltimore

Mark Swisher

for the property located at 808 KINGSTON ROAD, 21212

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

electricity for a new family room is our goal. In so doing,

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

Printed with Soybean Ink

be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

we would like to widen the exising porch floor three (3) feet

To enclose an existing covered porch and add heat and

closer to the side property line on the west side of the

To allow a afde yard setback of 7 feet for a proposed enclosed addition in

This Petition shall be filed with the Office of Zoning Administration & Development Management.

Property is to be posted and advertised as prescribed by Zoning Regulations.

hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C

lieu of the minimum required 19 feet.

Contract Purchaser-Lessee

(Type or Print Name)

Attorney for Petitioner

(Type or Print Name)

Re: CASE NUMBER: 97-4-A (Item 6) 808 Kingston Road N/S Kingston Road, 290' E of c/l Wardom Road 9th Election District - 4th Councilmanic Legal Owner(s): Hark W. Swisher and Marie E. Swisher

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PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Printed with Soyberr ink on Recycled Paper

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at _____808KINGSTON ROAD_____

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The porch floor is solid concrete and masonry and would require very costly demolition and removal to enable contractor to install duct lines to the west outside wall

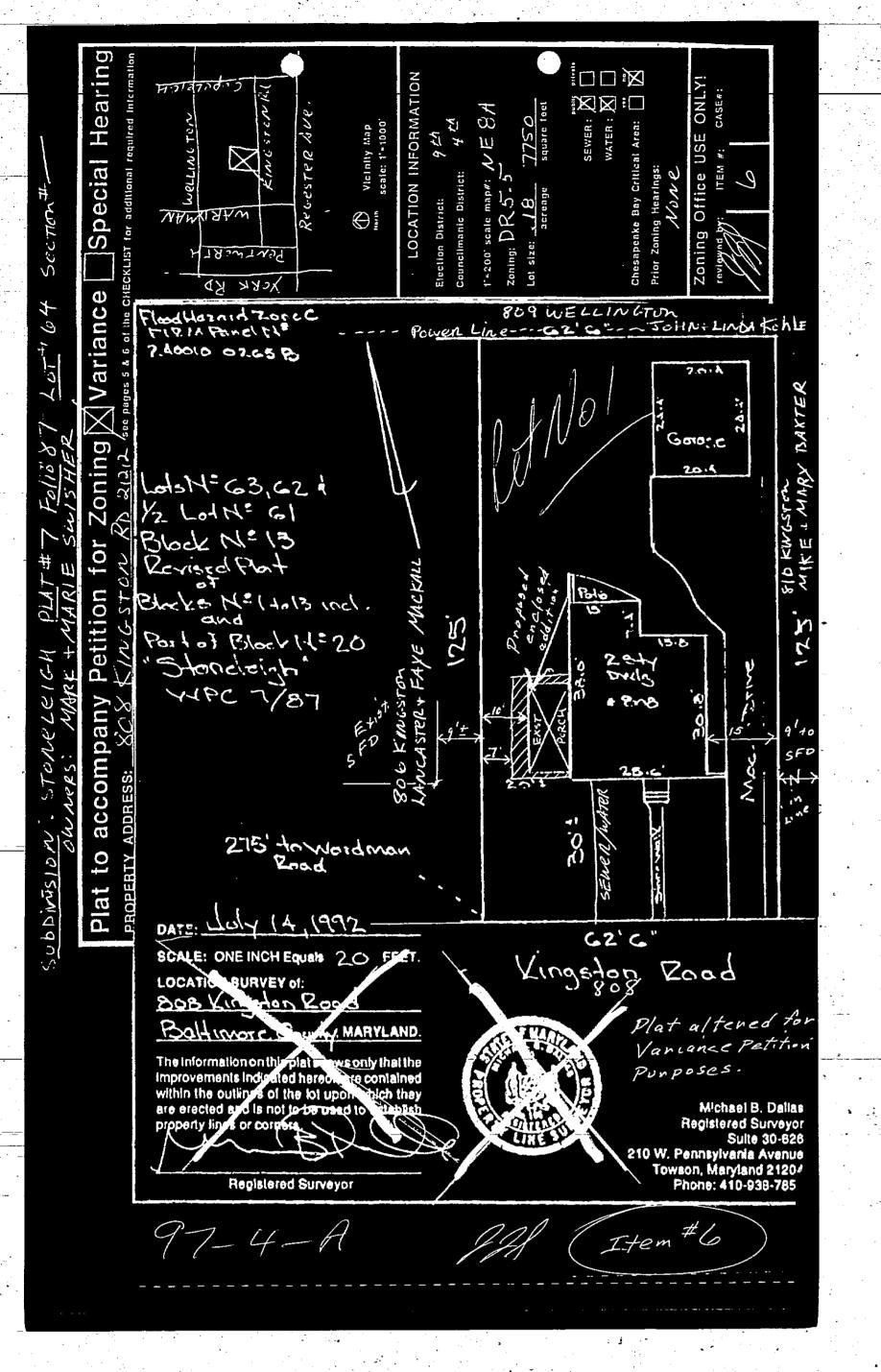
___under the two planned casement windows. We are requesting a variance for the Family Room to be 3 feet wider for this practical and aesthetic reason.

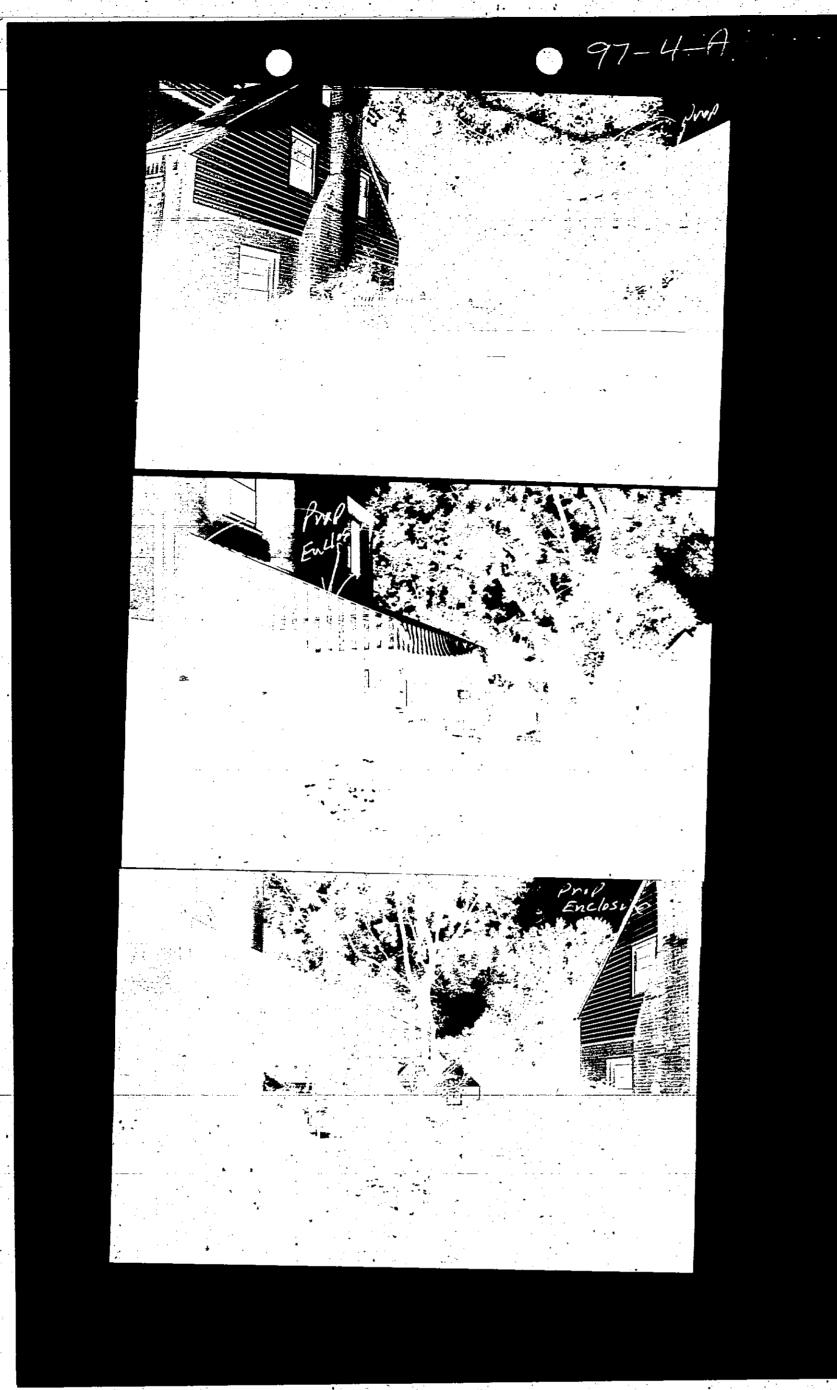
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

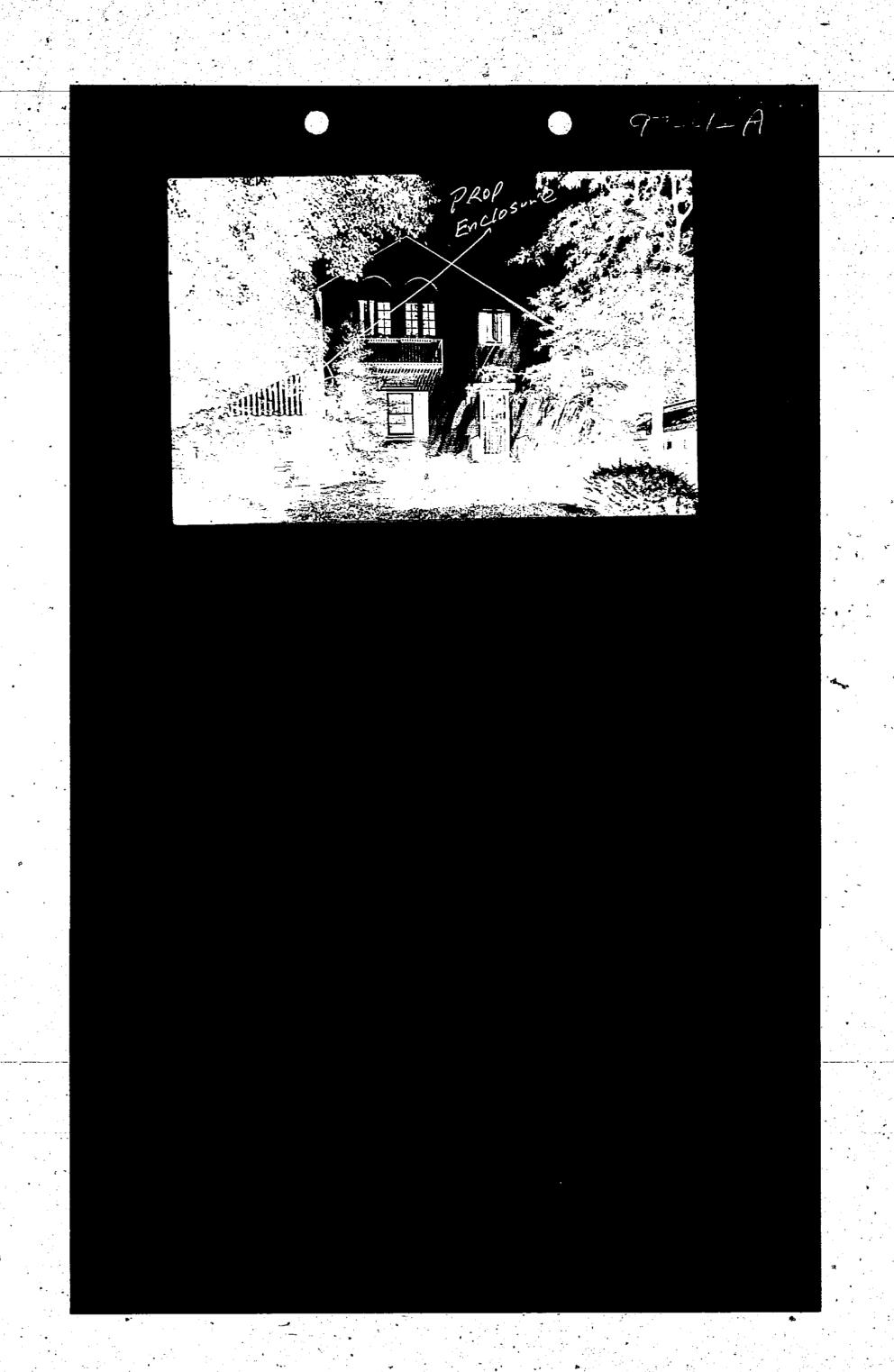
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affianti(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

Geraldene Suresher AS WITNESS my hand and Notarial Scal. Gate 6/20/96____

My Commission Expires: 2/2/99







D.R. 3.5

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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING **PHOTOGRAPHY** PREPARED BY AIR PHOTOGRAPHICS INC

PHOTOGRAPHIC MAP

STONELEIGH ANNESLIE ROGERS FORGE